

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fifth Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



March 12, 2021
THIRTY-FIRST DAY

Friday, March 12, 2021

THIRTY-FIRST DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Thursday, March 11, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. B. 2804, on Third reading, Special Calendar, had been placed to follow H. B. 2788 on Third reading, Special Calendar; Com. Sub. for H. B. 2770, on Third reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 2702, on Second reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2817, Donated Drug Repository Program,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2817 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §60B-1-1, §60B-1-2, §60B-1-3, §60B-1-4, §60B-1-5, §60B-1-6, §60B-1-7, and §60B-1-8, all relating to creating the Donated Drug Repository Program; establishing the West Virginia Board of Pharmacy has the authority to administer the program; setting forth eligible drugs and eligible recipients; establishing how the drugs are to be received, handled, stored, dispensed, distributed, and disposed of; providing immunity; permitting a handling fee; defining terms; and requiring rule-making,”

With the recommendation that the committee substitute do pass.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2634, Coverage for the treatment of chronic pain,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2634 – “A Bill to amend and reenact §16-54-8 of the Code of West Virginia, 1931, as amended, relating to treatment of pain; and requiring insurance providers to provide coverage certain treatment,”

With the recommendation that the committee substitute do pass.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2861, Relating to medical evaluation reports for workers compensation,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2861) was referred to the Committee on the Judiciary.

Delegate J. Pack, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2808, Remove salt from list and definition of “mineral” for severance tax purposes,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2808) was referred to the Committee on Finance.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

S. B. 404, Modifying well work permits issued by DEP Office of Oil and Gas,

And reports the same back with the recommendation that it do pass.

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 2667, To create a cost saving program for state buildings regarding energy efficiency,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2667) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 2805, Making Pierpont Community and Technical College a division of Fairmont State University known as the Pierpont College of Community and Technical Education,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2805) was referred to the Committee on Finance.

On motions for leave, the following bills were introduced (Originating in the Committee on the Judiciary and reported with the recommendation that they each do pass), which were read by their titles, as follows:

By Delegates Capito, Keaton and L. Pack:

H. B. 3131 - "A Bill to amend and reenact §24-2H-3, §24-2H-5, and §24-2H-8 of the Code of West Virginia, 1931, as amended, all relating to correcting internal code references and citations in those sections,"

And,

By Delegates Capito, Keaton and L. Pack:

H. B. 3133 - "A Bill to amend and reenact §24A-5-2 of the Code of West Virginia, 1931, as amended, and to amend and reenact §24A-2-5 of said code, all relating to restoring language to the code setting forth the process to change rates for motor carriers that was inadvertently deleted and replaced; and to correct an erroneous exclusion to include the appropriate language relating to transfer of certificate."

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Capito, Keaton, L. Pack and Bruce:

H. B. 3128 - "A Bill to amend §24-6-6b of the Code of West Virginia, 1931, as amended, relating to basing the carrier fee on 911 fee revenue only; clarifying that payments to counties are based on net 911 fee revenues received by the Commission; and requiring the public safety fee to be shown as two separate line items on a customer's bill."

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2794, To extend the Neighborhood Investment Program Act to July 1, 2026 and to increase the allowable tax credit from \$3,000,000 to \$5,000,000,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2794 - "A Bill to amend and reenact §11-13J-12 of the Code of West Virginia, 1931, as amended, all relating to extending the duration of the Neighborhood Investment Program until July 1, 2026,"

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Capito, Lovejoy, Fast, Pushkin, Brown, Pinson, Fluharty, L. Pack and Queen:
H. B. 3078 - "A Bill to amend and reenact §62-12-13 of the West Virginia Code, 1931, as amended, relating to the powers and duties of the parole board, the procedure for granting parole and the conditions of reason on parole."

Delegate Linville, Chair of the Committee on Technology and Infrastructure submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 22, Bill O'Dell Memorial Bridge,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. C. R. 22 - "Requesting the Division of Highways name bridge number: 51-022/00-000.16 (51A094), (38.51804, -80.44792) locally known as GRASSY CREEK BX BM, carrying CR 22 over GRASSY CREEK in Webster county, the 'U. S. Army PVT Bill O'Dell Memorial Bridge',"

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 22) was referred to the Committee on Rules.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

S. C. R. 15, Extending certain leases between US Army Corps of Engineers and Nicholas County Airport Authority,

H. C. R. 8, U.S. Army SFC Guy Hively Memorial Bridge,

H. C. R. 13, TEC 5 U. S. Army Donald "Tiny" Lucas Memorial Bridge,

H. C. R. 16, PFC Franklin D. Frazier Memorial Road,

And,

H. C. R. 32, To name Gatewood Road in Fayette County as the "Senator Shirley Love Memorial Road",

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (S. C. R. 15, H. C. R. 8, H. C. R. 13, H. C. R. 16 and H. C. R. 32) were each referred to the Committee on Rules.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2400, Authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety rules,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 2400 - "A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety rules; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's license; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals and reinstatement of driving privileges; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to compulsory motor vehicle liability insurance, and relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to special purpose vehicles,"

With the recommendation that the committee substitute do pass.

Delegate Capito, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 2838, Authorize the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds, and to create the State Auditor's Public Integrity and Fraud Fund for use of said funds,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2838) was referred to the Committee on Finance.

On motion for leave, a bill was introduced (Originating in the Committee on Banking and Insurance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Westfall, Hott, Barnhart, Bates, Criss, Espinosa, Garcia, Lovejoy, Reed, Rowe and Williams:

H. B. 3081 - "A Bill to amend and reenact §31D-7-708 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31E-7-708 of said code, all relating to remote communications

for shareholder meetings; amending the West Virginia Business Corporation Act and the West Virginia Nonprofit Corporation Act; authorizing corporations to conduct shareholder meetings by remote communication; requiring shareholder meetings by remote communications be subject to guidelines and procedures; providing the board of directors the authority to set a shareholder meeting by remote communication; authorizing nonprofit corporations to conduct member meetings by remote communication; requiring member meetings by remote communications be subject to guidelines and procedures; and providing the board of directors the authority to set a member meeting by remote communication and making the amendments effective upon passage.”

Delegate Jennings, Chair of the Committee on Veterans’ Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans’ Affairs and Homeland Security has had under consideration:

H. B. 2747, Transferring the Parole Board to the Office of Administrative Hearings,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

At the request of Delegate Summers, and by unanimous consent, the bill was recommitted to the Committee on Veterans’ Affairs and Homeland Security.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 9, Urging Congress to call a convention of states to limit terms of office of the US House of Representatives,

H. C. R. 35, Requesting the Department of Health and Human Resources to continuously evaluate the child welfare system,

H. R. 14, Resolution on West Virginia’s Energy Future,

And,

S. C. R. 4, Recognizing June 19 as Juneteenth Day,

And reports the same back with the recommendation that they each be adopted.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on March 11, 2021, he approved **Com. Sub. for H. B. 2012**.

Messages from the Senate

A message from the Senate, by
The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 216, Authorizing Department of Commerce to promulgate legislative rules.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 272, Relating to WV Employment Law Worker Classification Act.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 277, Creating COVID-19 Jobs Protection Act.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 314 - "A Bill to amend and reenact §47-26-1 and §47-26-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §47-26-2a, all relating generally to the regulation of pawnbrokers; defining terms; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting in certain items; creating misdemeanor offenses for certain acts; and increasing the penalties for existing criminal offenses related to pawnbrokers"; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Linville, Maynard and J. Jeffries offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 46 - "Requesting the Division of Highways name bridge number 22-037/00-003.29 (22A163), (38.09662, -82.18916) locally known as Fourteen Mile Tub Girder Bridge, carrying WV 37 over Fourteen Mile Creek in Lincoln County, the 'U. S. Navy BM1 Farris Burton Memorial Bridge'."

Whereas, Farris Burton was born April 26, 1925, in Logan County, WV, to Carr and Bessie Burton. He grew up in Amherstdale near Man, WV, along with his siblings. This is also where he met his first love and future wife of 54 years, Bessie (Hager); and

Whereas, BM1 Farris Burton enlisted in the United States Navy on April 26, 1942, his 17th birthday, during World War II. During the next four years of service, he travelled to six continents and served on the ships FIRETHORN and ZAANDAM. He bravely served his country during wartime aboard ship across the seas earning medals for service, bravery and heroism; and

Whereas, As an old man, decades after the war, a fellow sailor contacted BM1 Farris Burton to thank him for saving his life by pulling him, nearly unconscious, aboard a lifeboat. In a separate incident, without regard for his personal safety, BM1 Farris Burton took off his own life jacket and gave it to another man who was struggling in turbulent waters overboard their capsized ship. During his tenure, he survived not one, but two sinking ships, once sailing in a damaged lifeboat for 8 days before the survivors made landfall off the coast of Brazil. It was during his days aboard ship that he said a still small voice began speaking to his conscience. BM1 Farris Burton would later not only give his life to the Lord but become an ordained minister leading hundreds of souls to Christ; and

Whereas, BM1 Farris Burton received an honorable discharge from duty on April 26, 1946. For his service, BM1 Farris Burton received numerous awards, including the Navy and Marine

Corp Medal for outstanding duty, World War II Victory Medal, American Campaign Medal, Asiatic Pacific Campaign Medal, European-African-Middle Eastern Campaign Medal, Combat Action Ribbon, Discharge Button, and the Honorable Discharge Button; and

Whereas, After his service in the US Navy, BM1 Farris Burton became a family man and he and his wife Bessie made their home in Ranger, WV, raising nine children. Farris worked as a coal miner and for the WV Department of Highways to provide for his family while also spending countless hours traveling the roads of Lincoln, Logan and surrounding counties to preach the gospel of Christ and minister to those in need; and

Whereas, BM1 Farris Burton became an ordained minister in the Bethlehem Association of United Baptist Churches in 1956 and, at the time of his passing, was the longest tenured minister in the association. During his time in the ministry, he performed approximately 400 marriages. He served as pastor at Center Point United Baptist Church in West Hamlin, WV, for 18 years until 1977 when he retired. He continued to preach the Lord's message in regular appointments until recent years when his health declined, and he was no longer able; and

Whereas, BM1 Farris Burton was preceded in death by his first wife and mother of his children, Bessie (Hager) as well as three children: Ivan (Shirley) Burton, Gloria Donahue, David (Kathy) Burton, a son-in-law, Donald Salmons, and infant granddaughter, Michelle; and

Whereas, BM1 Farris Burton was survived by his wife of 22 years, Mildred (Thompson). He is also survived by six children: Farris Jr. (Sandra) of West Hamlin, WV; Carolyn Salmons of Canton, OH; Darrell (Coni) Burton of Williamstown, WV; Janice "Darlene" Colegrove (George) of Salt Rock, WV; Beth "Amy" Jackson (Ray) of Surfside Beach, SC; Rebecca Clay (Cameron) of Hamlin, WV; and a son-in-law, Keith Donahue I (Betsy) of Culloden, WV. Papaw Burton is lovingly remembered by his 26 grandchildren, 55 great-grandchildren and a great, great-grandchild, all of whom he taught to pray, wink, snap, joke and was always there to give chewing gum or other goodies. Farris is also survived by a large, loving extended family and church family; and

Whereas, It is fitting that an enduring memorial be established to commemorate BM1 Farris Burton and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number: 22-037/00-003.29 (22A163), (38.09662, -82.18916) locally known as Fourteen Mile Tub Girder Bridge, carrying WV 37 over Fourteen Mile Creek in Lincoln county, the "U. S. Navy BM1 Farris Burton Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Navy BM1 Farris Burton Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegate Rowe offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 47 - "Requesting the Division of Highways name bridge number 20-061/00-016.01 (20A184), (38.23939, -81.5576) locally known as Lens Creek Temporary Bridge, carrying WV 61 over Lens Creek in Kanawha County, the 'SP5 Terry Lee McClanahan Memorial Bridge'."

Whereas, Terry Lee McClanahan was born on August 19, 1950, in Chesapeake, West Virginia to Collett Nathaniel and Margaret Imogene Connard McClanahan; and

Whereas, Terry Lee McClanahan had three brothers and two sisters: Capt. Eugene McClanahan who served in the United States Army; Private Jerry McClanahan who served in the United States Army; Roy Allen McClanahan; Kitty Carol McClanahan; and Beverly Ann McClanahan; and

Whereas, Terry Lee McClanahan was a graduate of East Bank High School, assistant scoutmaster of Troop 181 in Chesapeake, West Virginia, and attended the First Baptist Church of Chesapeake; and

Whereas, Terry Lee McClanahan enlisted in the United States Army and served in the Vietnam War, beginning his tour of duty on April 11, 1970. Terry Lee McClanahan attained the rank of Specialist Five with the Americal Division, 8th Cavalry, F Troop, and was an AH-1 Attack Helicopter Repairer; and

Whereas, Tragically, SP5 Terry Lee McClanahan was killed on March 6, 1971, by artillery or mortar fire during hostile action in the Quang Tri Province, South Vietnam; and

Whereas, SP5 Terry Lee McClanahan's remains were recovered and he was buried in Montgomery Memorial Park in London, Kanawha County, West Virginia; and

Whereas, SP5 Terry Lee McClanahan was awarded the Bronze Star and The Purple Heart; and

Whereas, It is fitting that an enduring memorial be established to commemorate SP5 Terry Lee McClanahan's service to and sacrifice for our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-061/00-016.01 (20A184), (38.23939, -81.5576) locally known as Lens Creek Temporary Bridge, carrying WV 61 over Lens Creek in Kanawha County, the "SP5 Terry Lee McClanahan Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "SP5 Terry Lee McClanahan Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the commissioner of the Division of Highways.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Forsht, Bruce and Mallow:

H. J. R. 28 - "Proposing an amendment to the Constitution of the State of West Virginia, amending article VIII thereof by adding thereto new language within section 8-3, relating to requiring that anyone elected as a justice of the West Virginia Supreme Court of Appeals must have not less than three years of full-time experience as a trial lawyer in West Virginia, a judge of a trial court of record in West Virginia, or a judge of an appellate court of record in West Virginia to which appeals from trial courts of record are taken"; to the Committee on the Judiciary.

Motions

Delegate McGeehan was recognized and moved, pursuant to House Rule 82, that H. B. 2138 be discharged from the Committee on Veterans' Affairs and Homeland Security.

On this motion, the yeas and nays, were demanded which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 131**), and there were—yeas 26, nays 71, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Barach, Bates, Booth, Brown, Dean, Diserio, Evans, Fluharty, Hanna, Hornbuckle, Jeffries, Jennings, Kimble, Lovejoy, McGeehan, Nestor, Paynter, Phillips, Pritt, Pushkin, Thompson, Walker, G. Ward, Williams, Worrell and Young.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members present not having voted in the affirmative, the motion was rejected.

Bills Introduced

On motions for leave, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Anderson and J. Kelly:

H. B. 3082 - "A Bill to amend and reenact §22-5-2 and §22-5-4 of the Code of West Virginia, 1931, as amended, both relating to air pollution control; and granting to the West Virginia Department of Environmental Protection Division of Air Quality the authority to invest the money held in the Air Pollution Control Fund (Fund #3336) and the Air Pollution Education and Environment Fund (Fund #3024) in order to receive interest on the funds held in those accounts in order to offset decreasing permit fee collections and to preserve funding for the West Virginia Department of Environmental Protection Division of Air Quality"; to the Committee on Finance.

By Delegates Forsht, Hardy and Mallow:

H. B. 3083 - "A Bill to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended, relating to requiring runoff elections in the general election for judiciary candidates if the candidate with the most votes receives at least five percent more votes than the candidate with the next highest vote total during the primary election"; to the Committee on the Judiciary.

By Delegates Maynard, Steele, J. Pack, Anderson, Bridges, J. Jeffries, Dean, Paynter, J. Kelly, Zatezalo and Clark:

H. B. 3084 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-10E-1, §5010E-2, §5-10E-3, §5-10E-4, §5-10E-5, §5-10E-6, §5-10E-7, §5-10E-8, and §5-10E-9, relating to the West Virginia Public Employees Retirement system; prohibiting the investment of funds in companies divesting from natural gas, oil, coal, petrochemicals, forestry products, or agriculture commodities; empowering the board to name restricted businesses to a restricted business list; empowering the board to remove investments from restricted businesses with notice; providing for immunity for actors under this article"; to the Committee on Pensions and Retirement then Finance.

By Delegates Westfall and Hott:

H. B. 3085 - "A Bill to amend and reenact §33-41-8 and §33-41-8a of the Code of West Virginia, 1931, as amended, relating to the consolidating the positions of the Inspector General of the former Workers' Compensation Commission's Fraud and Abuse Unit and the position of Director of the Insurance Fraud Unit"; to the Committee on Banking and Insurance then Government Organization.

By Delegate McGeehan:

H. B. 3086 - "A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to personal property tax; exempting motor vehicles from personal property tax"; to the Committee on Technology and Infrastructure then Finance.

By Delegates G. Ward and Higginbotham:

H. B. 3087 - "A Bill to amend and reenact §18-7A-25, §18-7A-25b, and §18-7A-38 of the Code of West Virginia, 1931, as amended, relating to retirement of public school teachers; allowing public school teachers to receive five years of credited service if they accept subsequent employment in a public charter school; allowing public charter school employment for retired members without penalty"; to the Committee on Education then Finance.

By Delegates G. Ward, Haynes and Jennings:

H. B. 3088 - "A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to assessment value of wind turbines; permitting counties to assess wind turbines from salvage value to true and actual value"; to the Committee on Energy and Manufacturing then Finance.

By Delegates G. Ward, Anderson, Riley, J. Kelly, Paynter, Queen, L. Pack, Haynes, Kimble, Ferrell and Holstein:

H. B. 3089 - "A Bill to amend and reenact §15-5-2 the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated and §15-5-30, all relating to defining, as 'essential workers', employees or contractors who work for companies that fall under the definition of essential business activities during a state of emergency or state of preparedness to ensure that utility services can continue to operate or be restored"; to the Committee on Workforce Development then the Judiciary.

By Delegates Fleischauer, Pushkin, Young, Kessinger, Bates, Hansen, Doyle, Zukoff, Griffith, Lovejoy and Garcia:

H. B. 3090 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6C-5-1, §6C-5-2, §6C-5-3, §6C-5-4 and §6C-5-5, all relating to enacting the Ban-the-Box Act, prohibiting public employers from asking applicants for employment to disclose information concerning the applicant's criminal record or history, under certain circumstances"; to the Committee on Workforce Development then the Judiciary.

By Delegates Fleischauer, Rowe, Hansen, Young, Doyle, Griffith, Lovejoy, Garcia, Skaff, Miller and Bates:

H. B. 3091 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16-3ii, relating to creating the Advance Mental Health and Addiction Parity Act; providing definitions; providing for coverage of medically necessary mental health and substance use disorder services; requiring that medical necessity determinations follow generally accepted standards; prohibiting discretionary clauses; and providing for severability"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Fleischauer, Pinson, Thompson, Young, Doyle, Zukoff, Griffith, Lovejoy, Garcia, Skaff and Miller:

H. B. 3092 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, §16-63-6, §16-63-7, §16-63-8, §16-63-9, §16-63-10, §16-63-11, §16-63-12, §16-63-13, §16-63-14, and §16-63-15, all relating to ensuring that all workers in West Virginia can address their own health and safety needs and the health and safety needs of their families by requiring employers to provide a minimum level of paid sick time, including time to care for their family members; diminishing public and private health care costs and promoting preventive health services in West Virginia by enabling workers to seek early and routine medical care for themselves and their family members; protecting the public's health in West Virginia by reducing the risk of contagion, including during a public health emergency, and to ensure that workers in West Virginia and their families can follow the orders and recommendations of public health officials or health care professionals during an emergency that threatens their health

and the health of others in the community; promoting the economic security and stability of workers and their families; protecting employees in West Virginia from losing their jobs or facing workplace discipline when they use the paid sick time they earn to care for themselves or their families; assisting victims of domestic violence and their family members by providing them job-protected time away from work to receive treatment and to take the necessary steps to ensure their safety; safeguarding the public welfare, health, safety and prosperity of the people of West Virginia; and accomplishing the purposes described in paragraphs (1)-(7) in a manner that is feasible for employers; and all to be known as the "Emergency Healthy Families and Workplace Act"; to the Committee on Workforce Development then Health and Human Resources.

By Delegates Graves, J. Pack, Foster, Keaton, Rohrbach, Kessinger and Pritt:

H. B. 3093 - "A Bill to amend and reenact §19-23-3, §19-23-7 and §19-23-12b of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-3, §29-22A-7 and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8 and §29-22C-10 of said code, all relating to dog racing requirements; modifying certain definitions; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such a license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted; and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates"; to the Committee on the Judiciary.

By Delegates L. Pack, Keaton, Haynes, B. Ward, Pritt, Kimble, Mallow, Burkhammer, Hanna, Martin and Horst:

H. B. 3094 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-1-8, relating to the use of public funds to influence legislation; prohibiting political subdivisions, agencies, commissions, departments, or divisions receiving taxpayer funds from using public funds to influence the outcome of legislation before the West Virginia Legislature"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Horst, Dean, J. Jeffries, Mandt, Bridges, Pritt, Kimble and Holstein:

H. B. 3095 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1, §62-16-2, §62-16-3, §62-16-4, and §62-16-5, all relating to creating the Protection of Property from Warrantless Searches Act; short title; legislative findings; definitions; enumerating conditions for government to enter homes and private land; illegal searches and seizures; and providing right to sue for declaratory and injunctive relief, compensatory and nominal damages, and attorney's fees"; to the Committee on the Judiciary.

By Delegates J. Pack, Steele and Graves:

H. B. 3096 - "A Bill to amend and reenact §18-28-4 of the Code of West Virginia, 1931, as amended, relating to voluntary participation in state education programs"; to the Committee on Education.

By Delegates Doyle, Hansen, Rowe, Fleischauer, Barach, Griffith, Bates, Evans, Walker, Young and Pushkin:

H. B. 3097 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3, all relating to creating the Corporate Anti-

Subsidy Act; permitting West Virginia to enter into the 'Interstate Compact Agreement Prohibiting Company-Specific Subsidies'; setting a level playing field that would abolish the nationwide practice of company-specific subsidies that currently pits states against one another"; to the Committee on Interstate Cooperation then the Judiciary.

By Delegates Thompson, Walker, Barach and Griffith:

H. B. 3098 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1F-1, §21-1F-2, and §21-1F-3, all relating to mandating that employees may only be discharged for just cause; defining terms; providing for probationary period; rescinding common law presumption of employment at will; and limiting the basis for discharge of protected employees"; to the Committee on Workforce Development then the Judiciary.

By Delegates Keaton, Barnhart, Pinson and Holstein:

H. B. 3099 - "A Bill to amend and reenact §48-10-501 of the Code of West Virginia, 1931, as amended, relating to making the best interest of the child the sole consideration in granting grandparent visitation"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Keaton and Holstein:

H. B. 3100 - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting from the consumers sales tax the purchase of plastic and pewter models used in hobbies such as tabletop strategy or role playing gaming and to be known as 'Jesse's Law"; to the Committee on Finance.

By Delegates Nestor, D. Jeffries, Horst, Storch, Pritt, Kimes, Bruce, Hanna, Conley, Forsht and Mallow:

H. B. 3101 - "A Bill to amend and reenact §62-1A-10 of the Code of West Virginia, as amended, relating to preserving the constitutional right of West Virginians to be free from unlawful automotive searches"; to the Committee on the Judiciary.

By Delegates Cooper, Toney, Haynes and Barnhart:

H. B. 3102 - "A Bill to amend and reenact §18A-2-5 of the Code of West Virginia, 1931, as amended, relating to requiring candidates for employment as director of transportation for a county school district to have a minimum of two years' experience as a bus operator"; to the Committee on Education.

By Delegate Thompson:

H. B. 3103 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated as §11-21-97, relating to providing an annual credit against personal income tax of \$500 for teachers and school service personnel"; to the Committee on Finance.

By Delegate Gearheart:

H. B. 3104 - "A Bill to amend and reenact §17-22-4 of the Code of West Virginia, 1931, as amended, relating to the removal of specific statutory restrictions on outdoor advertisement"; to the Committee on Government Organization.

By Delegate Lovejoy:

H. B. 3105 - "A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to increasing the salary of the Secretary of the West Virginia Library Commission"; to the Committee on Finance.

By Delegates Barrett, Steele and Fast:

H. B. 3106 - "A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to bail; increasing the time for a secured bond hearing to 10 days"; to the Committee on the Judiciary.

By Delegate Criss:

H. B. 3107 - "A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event or events that occurred during their employment; providing for diagnosis; noting that treatment can be conducted by other licensed mental health professionals once the initial diagnosis has been made by a psychiatrist; making benefits and employer immunity contingent on employers adding PTSD to their scope of workers' compensation coverage; and, requiring the Offices of the Insurance Commission to report annually to the Legislature on first responder PTSD claims"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegate Martin:

H. B. 3108 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-1-10, relating to prohibiting the establishment of a constitution or legal system superior or parallel to the West Virginia Constitution and the West Virginia Code; and providing a criminal penalty"; to the Committee on the Judiciary.

By Delegates Thompson and Dean:

H. B. 3109 - "A Bill to amend and reenact §18A-4-5a and §18A-4-5b of and the Code of West Virginia, 1931, as amended, all relating to a \$2000 salary pay increase for all teachers and school service personnel"; to the Committee on Finance.

By Delegates Young, Wamsley, Higginbotham, Thompson, Hornbuckle, Zukoff, Walker and Barach:

H. B. 3110 - "A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-1B-7 of said code, all relating to student suicide prevention; requiring suicide prevention phone numbers be printed on student identification cards for students in grades 6-12 in public schools that issue student identification cards; and requiring suicide prevention phone numbers be printed on student identification cards for students in a public or private institution of higher education that issues student identification cards"; to the Committee on Education.

By Delegates Thompson and Barach:

H. B. 3111 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, and §18-34-3, all relating to creating the 'Support Students Who Are Parenting Act'; requiring the West Virginia Department of Education to establish a policy to support the educational and parenting goals and improve the educational outcomes of pregnant and parenting students; requiring the policy to include certain policies and procedures; requiring each West Virginia county board of education to establish a policy based on the department's policy; altering the required contents of the pregnant and parenting students attendance policy developed by each county board; and providing an effective date"; to the Committee on Education.

By Delegates Thompson, Evans, Hansen, Young, Pushkin, Griffith, Walker, Zukoff and Barach:

H. B. 3112 - "A Bill to amend and reenact §15A-3-4 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of the Division of Corrections and Rehabilitation to

provide dedicated training for employees, with direct contact with inmates in jails or correctional facilities, to learn to recognize and respond to signs of distress, trauma, and suicidal tendencies”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

By Delegates Young, Fluharty, Pushkin and Hornbuckle:

H. B. 3113 - “A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended, relating to removing certain substances from schedule I of the Uniform Controlled Substances Act, including marihuana, Psilocybin, and Tetrahydrocannabinols”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Higginbotham:

H. B. 3114 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, relating to creating the West Virginia Children’s Vision Act; and requiring proof of vision examination of children enrolling in West Virginia public or private schools”; to the Committee on Education then Finance.

By Delegates Thompson, Walker, Barach, Griffith, Zukoff and Young:

H. B. 3115 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, §21-5I-6, §21-5I-7, §21-5I-8, §21-5I-9, and §21-5I-10, all relating to requiring earned paid sick leave for all employees; making findings and declaring policy; defining terms; specifying conditions for use of earned paid leave; establishing minimum standards for accrual of earned paid sick leave and retention of accrued leave hours; allowing employers to require documentation of illness or care; requiring employers to develop policies; providing for banking of donation and banking of unused leave; providing for conversion of unused paid sick leave into other benefits; allowing for more generous policies; declaring that this article is not to supersede or prevent the application of other laws regarding leave and benefits; specifying an effective date; and prohibiting discrimination or reprisals”; to the Committee on Workforce Development then Finance.

By Delegates Thompson, Evans, Hansen, Griffith, Young, Walker, Pushkin, Zukoff and Barach:

H. B. 3116 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-31, relating to creating a refundable Earned Income Tax Credit against state personal income tax; providing a phase-in period for rate of credit; and limiting credit to full year residents”; to the Committee on Finance.

By Delegates Thompson, Walker, Griffith, Young and Zukoff:

H. B. 3117 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12m, relating to authorizing a deduction from federal adjusted gross income for certain remote workers or telecommuters”; to the Committee on Finance.

By Delegates Barach, Brown, Doyle, Reynolds, Griffith, Bates, Pushkin, Thompson, Worrell, Hansen and Skaff:

H. B. 3118 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5-19, relating to prohibiting certain noncompete or conflict of interest provisions in employment contracts”; to the Committee on Workforce Development then the Judiciary.

By Delegates Martin and Howell:

H. B. 3119 - “A Bill to amend and reenact §60A-9-5 of the Code of West Virginia, 1931, as amended, relating to adding to the persons who have access to the Controlled Substances Monitoring Database maintained by the Board of Pharmacy”; to the Committee on Health and Human Resources.

By Delegates Thompson, Evans, Griffith, Young, Walker, Pushkin, Zukoff and Barach:

H. B. 3120 - "A Bill to amend and reenact §15A-3-4 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of the Division of Corrections and Rehabilitation to establish a system of medical maintenance by a physician for persons who are newly incarcerated and have been under a medical program requiring a regular dosage of medications necessary for treatment of a chronic condition"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegate Rowe:

H. B. 3121 - "A Bill to amend and reenact §17G-1-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17G-2-1, §17G-2-2, and §17G-2-3 of said code, all relating to data collection for actions by law-enforcement officers involving motor vehicle drivers, passengers and pedestrians, and subjects in property or domestic violence actions; providing for a reporting procedure on forms of the Division of Motor Vehicles forms used to include information for law enforcement actions involving traffic stops"; to the Committee on the Judiciary.

By Delegate Riley:

H. B. 3122 - "A Bill to amend and reenact §16-13D-1, §16-13D-2, §16-13D-3, §16-13D-4, §16-13D-5, §16-13D-6, §16-13D-8, §16-13D-9, §16-13D-10, §16-13D-11, §16-13D-12, §16-13D-13, §16-13D-14, §16-13D-15, §16-13D-17, and §16-13D-21, of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-13D-22, all relating to the establishment and operation of regional water, wastewater, and stormwater authorities"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Thompson, Walker, Barach, Griffith, Young and Zukoff:

H. B. 3123 - "A Bill to amend and reenact §21-5D-2, §21-5D-4, and §21-5D-6 of the Code of West Virginia, 1931, as amended, all relating to requiring employers to provide paid family leave to employees to attend and care for family members under certain circumstances; amending definitions to include all private and public employers and employees; setting minimum amounts of paid and unpaid family leave; and authorizing employers to require exhaustion of other leave before use of unpaid leave"; to the Committee on Workforce Development then the Judiciary.

By Delegates Thompson, Walker, Barach, Griffith, Diserio, Young, Zukoff and Dean:

H. B. 3124 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1F-1, §21-1F-2, §21-1F-3, §21-1F-4, §21-1F-5, §21-1F-6, §21-1F-7, §21-1F-8, §21-1F-9, §21-1F-10, §21-1F-11, §21-1F-12, §21-1F-13, §21-1F-14, §21-1F-15, §21-1F-16, §21-1F-17, §21-1F-18, §21-1F-19, and §21-1F-20, all relating to establishing collective bargaining procedures for public employees; declaring legislative policy, defining terms, providing for designation of bargaining units and bargaining representatives; specifying the rights, duties, and powers of employers, employees, and bargaining representatives; providing procedures for negotiation and impasse; creating a Public Employees Relations Board and specifying the powers, duties, and procedures thereof; specifying election procedures for establishing bargaining units; providing for employee access to bargaining representatives; providing for collection of dues or fees by payroll deduction; requiring certain notifications be given to employees; disclosing employee information to bargaining representative; defining violations of the article; establishing requirements for notice and service of process; and providing for protection from personal liability and preservation of constitutional rights"; to the Committee on Government Organization then the Judiciary.

By Delegates Thompson, Boggs, Dean and Barach:

H. B. 3125 - "A Bill to amend and reenact §18A-4-5a of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education to provide additional compensation for teachers assigned duties in addition to the teacher's regular instructional duties when the

noninstructional duties are not a part of the scheduled hours of the regular school day”; to the Committee on Education then Finance.

By Delegates Thompson, Hornbuckle, Walker, Young, Griffith, Zukoff, Barach and Dean:

H. B. 3126 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to the statewide student count; requiring the use of 2019 student count instead of the 2020 student count for use in calculating the state school funding formula and budgeting for the 2021-2022 fiscal year because of the disruptions of the Covid-19 pandemic in 2020”; to the Committee on Education then Finance.

By Delegate Westfall:

H. B. 3127 - “A Bill to amend and reenact §11-1C-5 of the Code of West Virginia, 1931, as amended, relating to creating powers and duties of the State Auditor to audit public utility tax returns; providing subpoena power; and establishing penalties”; to the Committee on Government Organization then Finance.

Special Calendar

Third Reading

S. B. 89, Exempting certain kindergarten and preschool programs offered by private schools from registration requirements; on third reading, coming up in regular order, was reported by the Clerk.

Unanimous consent was obtained to amend the bill on third reading and the rule was suspended to permit the offering and consideration of an amendment on third reading.

On motion of Delegate Higginbotham, the bill was amended on page 3, section 113, line 50, by striking out the words “with the exception of programs operated by county parks and recreation commissions, boards and municipalities”.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 132**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Hardy and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 89) passed.

On motion of Delegate Higginbotham, the title of the bill was amended to read as follows:

S. B. 89 - “A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to exempting from licensure requirements certain education programs operated by private schools with accredited preschool classes and certain recognition by Department of Education, adding language clarifying what programs operated by county parks and recreation departments are exempt from licensure requirements, and exempting certain school programs operated under 42 USC 9801, the federal Head Start Program, from licensure requirements.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for S. B. 295, Relating generally to economic development loans and loan insurance issued by state; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 133**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 295) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk.

Whereupon,

Delegate Householder obtained unanimous consent that the amendment be withdrawn.

On motion of Delegate Householder, the title of the bill was amended to read as follows:

Com. Sub. for S. B. 295 – “A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-6C-11a; to amend and reenact §31-15-8 of said code; and to amend said code by adding thereto a new section, designated §31-15-8a, all relating generally to economic development loans and loan insurance issued by the state; clarifying provision stating that the Board of Treasury Investments has no fiduciary duty with regard to economic development loans administered by the Economic Development Authority; providing that the Board of Treasury Investments may inspect and copy, upon written notice, all records related to loans made available by the board to the Economic Development Authority and providing that certain records so copied and inspected shall be exempt from disclosure pursuant to the provisions of chapter 29B of the code and other law; defining terms; limiting the total amount of loan moneys that the board shall make available to the authority for the Broadband Loan Insurance Program to \$80 million; establishing requirements that must be met before broadband loan insurance moneys will be made available to the authority; limiting the amount of loan insurance that the authority may award in a single year to a single broadband provider to \$20 million; providing that the authority shall maintain broadband loan insurance loan moneys in a separate and segregated account; providing that broadband loan insurance moneys may only be drawn upon in the event of a broadband provider default on an insured debt or security instrument; clarifying that the authority may not deduct administrative or operational costs from broadband loan insurance loan moneys; setting forth requirements that must be met before the authority may withdraw loan insurance moneys in the event of a broadband provider’s default; providing that the authority may only use loan insurance moneys to satisfy certain obligations arising under a loan insurance agreement; requiring the authority to submit quarterly reports to the Joint Committee on Government and Finance and to the Governor containing certain information related to its loan insurance program; requiring the authority to make application forms for broadband loan insurance publicly available on its website; establishing the minimum information an applicant for broadband loan insurance shall be required to submit to the authority; establishing minimum criteria that the authority must consider in its broadband loan insurance application review process; establishing that the authority may provide loan insurance for eligible broadband providers pursuant to awards made by federally funded broadband expansion programs; providing that the authority may not issue loan insurance to a broadband provider that has previously defaulted on any debt or security instrument insured by the authority; requiring the authority to post certain information regarding loan insurance agreements on its website; requiring the authority to adhere to certain accounting and record-keeping

practices; requiring the authority to submit quarterly reports to the Board of Treasury Investments, the Joint Committee on Government and Finance, and the Governor containing certain information on insured loans and broadband projects financed by insured loans; requiring a biennial legislative audit of the Broadband Loan Insurance Program; removing obsolete language; and making technical corrections.”

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 134**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 295) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2382, Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 135**), and there were—yeas 73, nays 24, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Nestor, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2382) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 136**), and there were—yeas 74, nays 23, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Nestor, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2382) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2682, Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 137**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2682) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2758, Requiring the Insurance Commissioner to regulate professional bondsmen; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 138**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Foster, Jeffries, McGeehan and Paynter.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2758) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2763, Creating WV Cyber Incident Reporting; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 139**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Kimes and McGeehan.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2763) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2788, Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 140**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Bruce, Capito, Ellington and J. Kelly.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2788) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 141**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Bruce, Ellington, Hardy and J. Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2788) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2804, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 142**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Hardy and J. Kelly.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2804) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 143**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Hardy and J. Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2804) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2789, Supplementing and amending the appropriations to Public Defender Services; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 144**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2789) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 145**), and there were—yeas 97, nays none, absent and not voting 3, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2789) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2802, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Emergency Management; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 146**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Fleischauer and J. Kelly.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2802) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 147**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Fleischauer and J. Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2802) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2803, Supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 148**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Bruce, Ellington, Fleischauer and J. Kelly.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2803) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 149**), and there were—yeas 96, nays none, absent and not voting 4, with absent and not voting being as follows:

Absent and Not Voting: Bruce, Ellington, Fleischauer and J. Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2803) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2916, Creating the Semiquincentennial Commission for the celebration of the 250th anniversary of the founding of the United States of America; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 150**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Bruce, Ellington, Fleischauer and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2916) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2932, Protections for Charitable Organizations; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 151**), and there were—yeas 85, nays 12, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barach, Bates, Diserio, Fluharty, Garcia, Griffith, Rowe, Skaff, Thompson, Walker, Young and Zukoff.

Absent and Not Voting: Bruce, Ellington and J. Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2932) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Second Reading

Com. Sub. for H. B. 2688, Allow county political parties to have building funds in a similar manner that state parties are allowed; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2705, Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2785, Relating to public school enrollment for students from out of state; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2797, Declaring certain claims to be moral obligations of the State; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2834, Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2877, Expand direct health care agreements beyond primary care to include more medical care services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2891, Creating minimum statutory standards for law-enforcement officers; on second reading, coming up in regular order, was read a second time.

Delegates Hanna and Higginbotham moved to amend the bill on page 1, section 14, line 10 after the words "The person is", by striking out the number 21 and replacing it with the number 18.

And,

On page 1, section 14, line 10, after the words "or older" by striking out the words "or will be 21 years of age by the date of his or her academy graduation".

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 152**), and there were—yeas 76, nays 20, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Burkhammer, Capito, Cooper, Criss, Espinosa, Haynes, Hott, Howell, D. Kelly, Kessinger, Miller, Pritt, Queen, Rohrbach, Rowan, Summers, Tully, B. Ward, Westfall and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bruce, Ellington, J. Kelly and Williams.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

The bill was then ordered to engrossment and third reading.

H. B. 2969, To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Steele, the bill was amended on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 16D. ELECTRONIC TOLL COLLECTION ACT.

§17-16D-6. Liability of owner.

(a) All owners and operators of motor vehicles shall pay the posted toll when on any toll road, highway or bridge authorized by the Legislature, including any toll collected by a private toll transportation facility pursuant to §17-17-38 of this code, either by paying the toll at a toll collection facility on the toll road, highway or bridge at the time of travel thereon or by paying the toll within the time prescribed for toll payment in a toll billing notice or invoice generated by an electronic toll collection system. These tolls may be collected by electronic toll collection. If an owner or operator of a vehicle fails to pay the prescribed toll when due, the owner of the vehicle is in violation of this article.

(b) If a violation occurs, the registration plate number of the vehicle as recorded by a video collection system establishes a rebuttable presumption for civil enforcement purposes that the owner of the vehicle was operating the vehicle, or had consented to another person operating the vehicle, at that time. This presumption may be overcome only if the owner (1) proves by a preponderance of the evidence that he or she was not in fact operating the vehicle at the time; (2) identifies by name and mailing address the person who was operating the vehicle.

(c) If the presumption is not overcome by a preponderance of the evidence, the owner of the vehicle shall be found to have violated this article and be held responsible for payment of the tolls and the administrative fees and money penalties imposed by this article for failure to timely pay the tolls.

(d) Nothing in this section prohibits: (1) A law-enforcement officer from issuing a citation to a person in control of a vehicle for a violation of this article or other provisions of law at the time of the violation; ~~or~~ (2) the Parkways Authority from issuing reminder notices or making other communications directly or indirectly in connection with toll collection efforts or efforts to enforce violations of this article. The Parkways Authority is authorized to use secondary sources of information and services including, but not limited to, services such as the National Change of Address Service or skip tracing services; or (3) a private toll transportation facility from issuing any notices, reminders or other communications in connection with its toll collection efforts pursuant to §17-17-38(c) and §17-17-38(d) of this code.

§17-16D-10. Evading tolls; damaging, interfering with or obstructing video toll collection or infrastructure; violations and criminal penalties.

(a) Any person who knowingly or intentionally evades or seeks to evade the payment of tolls, rents, fees or charges established by the Parkways Authority for the use of any toll facility under the jurisdiction of the Authority, or of any private toll transportation facility pursuant to §17-17-38 of this code, is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50 for each violation of this article.

(b) Any person who deliberately damages, defaces or obstructs a video collection system infrastructure or power supply with the intent to interfere with or alter or prevent the functioning of the system or electronic toll collection, or who obstructs a license plate or causes it to be unreadable by the video collection system, or who causes a transponder or other device used in an electronic toll system to be inoperable or unreadable thereby causing no toll to be charged, including a private toll transportation facility pursuant to §17-17-38 of this code, is guilty of a misdemeanor and, in addition to any other penalties provided by the code, and upon conviction, shall be fined not more than \$500 for each such action and, if applicable, is additionally liable to the Parkways Authority or the private toll transportation facility for all costs incurred ~~by the Authority~~ to repair the damaged, defaced or obstructed property.

ARTICLE 17. TOLL BRIDGES.

§17-17-10. Payment of toll prior to passage; demand of excessive toll; evading payment of toll.

The proprietor of any toll bridge may require lawful toll to be paid previous to a passage thereover. ~~But if there be demanded at any such bridge more than is lawful, the proprietor shall forfeit to the party aggrieved so much as is illegally demanded and a further sum of not less than two nor more than \$15~~ Whoever shall knowingly or intentionally defraud, or attempt to defraud, the proprietor of any toll bridge by evading, or attempting to evade, the payment of lawful toll for crossing such bridge, or whoever shall aid another to evade, or attempt to evade, the payment of such toll, shall be guilty of a misdemeanor and, for every such offense shall, upon conviction thereof, be fined not in excess of \$10.

§17-17-11. Gatekeeper to keep small change.

A gatekeeper on any toll bridge without an electronic toll collection system, as defined in §17-16D-2 of this code, shall keep such money of small denomination on hand, as may reasonably be required in the ordinary course of business, for making change for passengers, and it is the duty of passengers to offer money for passage of a denomination as near as possible to the amount charged for such passage. This section shall not apply to persons now having a lawful right to pass on such bridge without the payment of toll.

§17-17-12. Failure to provide gatekeeper and to allow prompt passage.

If at any toll bridge without an electronic toll collection system there be a failure to give any person or property a passage over the same in a reasonable time, the proprietor thereof shall forfeit to such person not less than \$2 nor more than \$20. If the keeper of any toll bridge without an electronic toll collection system shall absent himself therefrom without leaving any person in charge of the gates thereon, he shall leave the gates open. Any keeper of a toll bridge without an electronic toll collection who shall fail to comply with the requirements of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined \$50 for every such offense; and any person injured by such failure shall be entitled to recover therefor from such keeper all damages sustained thereby.

§17-17-21. General supervision of bridges under jurisdiction of commissioner.

The ~~state road~~ commissioner of highways shall properly maintain, repair, operate, manage and control the bridges owned by the State, fix the rates of tolls and establish bylaws and rules and regulations for the use and operation of the bridges owned by the State, and may make and enter into all contracts or agreements necessary and incidental to the performance of his duties and the execution of his powers under this article, including power to permit use of such bridges owned by the State by street railways and other transportation lines, and telephone, telegraph, pipe and other lines, and contract with them for such use and fix the terms and conditions thereof and the charges or tolls for such use of the bridges owned by the State.

§17-17-22. Tolls to be charged for bond payment; intrastate and interstate bridges included in one issue; purchasing of existing bridges; disposition of tolls.

Tolls shall be fixed, charged and collected for transit over such bridges owned by the State and shall be so fixed and adjusted, in respect of the aggregate of tolls from the bridge or bridges owned by the State for which a single issue of bonds is issued, as to provide a fund sufficient to pay the principal and interest of such issue of bonds and to provide an additional fund to pay the cost of maintaining, repairing and operating such bridge or bridges, subject, however, to any applicable law or regulation of the United States of America now in force or hereafter to be enacted or made. Two or more bridges owned by the State may be included in one issue of bonds, and intrastate and interstate bridges may be grouped in the same issue: *Provided, That* no existing bridge or bridges owned by the State shall be acquired by purchase, eminent domain, or otherwise, unless the ~~state road~~ commissioner of highways shall have determined that the income therefrom, based upon the toll receipts for the next preceding fiscal or calendar year, will be sufficient to pay all expenses of operating and maintaining such bridge, in addition to the interest and sinking fund requirements of any bonds to be issued to pay the purchase price thereof, or, if such existing bridge or bridges owned by the State are to be combined with any other bridge or bridges, either then existing or thereafter to be constructed or acquired by purchase, eminent domain, or otherwise, as provided in section twenty-three-b following, unless the ~~state road~~ commissioner of highways shall have determined that the income from such combined bridges, based upon the toll receipts for the next preceding fiscal or calendar year in the case of any existing bridge or bridges and upon estimates of future toll receipts in the case of any bridge or bridges to be constructed, will be sufficient to pay all expenses of operating and maintaining such combined bridges, in addition to the interest and sinking fund requirements of any bonds issued to pay the purchase price of such existing bridge or bridges and the interest and sinking fund requirements of any bonds issued to pay the cost of construction, acquiring, modernizing, repairing, reconstructing or improving any bridge or bridges and approaches thereto, with which such existing bridge or bridges are to be so combined. The tolls from the bridge or bridges for which a single issue of bonds is issued, except such part thereof, as may be necessary to pay such cost of maintaining, repairing and operating during any period in which such cost is not otherwise provided for (during which period the tolls may be reduced accordingly), shall be transmitted each month to the West Virginia Municipal Bond Commission and by it placed in a special fund which is hereby pledged to and charged with the payment of the principal of such bonds and the interest thereon, and to the redemption or repurchase of such bonds, such special fund to be a fund for all such bonds without distinction or priority of one over another. The moneys in such special fund, less a reserve for payment of interest, if not used by the West Virginia Municipal Bond Commission within a reasonable time for the purchase of bonds for cancellation at a price not exceeding the market price and not exceeding the redemption price, shall be applied to the redemption of bonds by lot at the redemption price then applicable. Notwithstanding the foregoing, payments of principal and interest on any bonds owned by the United States or any governmental agency or department thereof may be made by the governing body directly thereto.

Any bridge or bridges constructed or acquired by purchase, eminent domain, or otherwise, or reconstructed, repaired or improved, under the provisions of this article and forming a connecting link between two or more state highways, or providing a river crossing for a state highway, are hereby adopted as a part of the state road system, but no such bridge or bridges shall be constructed or acquired by purchase, eminent domain, or otherwise, or reconstructed, repaired or improved by the State, under the provisions of this article without the approval in writing of the ~~state road~~ commissioner of highways and the Governor. If there be in the funds of the West Virginia Municipal Bond Commission an amount insufficient to pay the interest and sinking fund on any bonds issued for the purpose of constructing or acquiring by purchase, eminent domain, or otherwise, or reconstructing, repairing or improving, such bridge or bridges, the state road commissioner is authorized and directed to allocate to said commission, from the state road fund, an amount sufficient to pay the interest on said bonds and/or the principal thereof, as either may become due and payable.

§17-17-37. Transfer of toll bridge to county.

Notwithstanding any provision of this code to the contrary, in the event the municipality which owns and operates a toll bridge does not retain ownership of the bridge under the provisions of section thirty-five of this article within twelve months of defeasement of the bonds related to the acquisition or construction of such toll bridge, the county commission of the county in which the municipality is located has the option to take over the ownership and operation of the bridge. The commissioner of the Division of Highways shall notify the county commission in writing when the opportunity to exercise the option exists. The county commission has ninety days from receipt of the notification to exercise its option. If the county commission decides to assume the ownership and control of the bridge, it shall comply with all applicable provisions of this article that are imposed on a municipality that chooses to retain ownership of a toll bridge.

§17-17-38. Municipal sale of ownership of toll bridges to private toll transportation facility; maintenance of tolls; imposition of liability for collection and payment; tax treatment and divestment.

(a) Sale of municipally owned toll bridge. – Any municipality which owns and operates a toll bridge pursuant to this article may, at the sole discretion of the municipality, and upon adoption of a resolution to such effect by the council of such municipality, sell and convey such toll bridge to a private toll transportation facility subject to such terms and conditions as the council of such municipality may agree.

(b) Privilege to maintain tolls. – Any private toll transportation facility purchasing a municipally owned toll bridge located less than five miles from a toll-free bridge which crosses the same body of water or obstacle pursuant to subsection (a) may retain, modify and collect any such toll charges for the use thereof on persons and things passing over any such bridge as the entity may, by resolution, from time to time prescribe.

(c) Electronic collection of tolls and imposition of liability for payment. – The collection and enforcement of tolls for the use of any such bridge may be accomplished by electronic toll collection in the same manner and procedures as provided in §17-16D-1 et seq. of this code, and the imposition of liability for payment of such tolls shall apply as set forth specifically in §17-16D-5, §17-16D-6, §17-16D-7, and §17-16D-10 of this code: *Provided*, That the toll rates provided for in §17-17-9 of this code shall not apply to a private toll transportation facility.

(d) Nonrenewal of vehicle registration. – If an owner of a vehicle has received at least one invoice from a private toll transportation facility for any unpaid tolls and has (1) failed to pay the unpaid tolls and administrative fees, and (2) failed to file a notice to contest liability for a toll violation as provided

for in the invoice, then the private toll transportation facility may notify the Commissioner of Motor Vehicles, who shall, if no form contesting liability has been timely filed with the private toll transportation facility, refuse to register or renew the registration of any vehicle of which the person committing the violation is a registered owner or co-owner until such time as the private toll transportation facility has notified the Commissioner that such fees and unpaid tolls have been paid or satisfied.

(e) Tax treatment of municipally owned toll bridge sold to private toll transportation facility. – A municipally owned toll bridge sold to a private transportation facility pursuant to this section shall be considered exempt for purposes of ad valorem property taxation under §11-1-1 et seq. of this code: Provided, That if said exemption is in any way held to be invalid, then the value of a municipally owned toll bridge purchased by a private toll transportation facility, for purposes of ad valorem property taxation under §11-1-1 et seq. of this code, shall in no event be valued at more than its salvage value, which for purposes of this article is the lower of fair market salvage value or five percent of the original cost of the property.

(f) Divestment of private toll bridge. – Nothing in this section shall be construed to limit or prevent the subsequent sale, lease, assignment or transfer of a municipally owned toll bridge purchased by a private toll transportation facility, provided that all other requirements of this section are met.

(g) Definitions. – For purposes of this section, the term 'private toll transportation facility' means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity or other business entity engaged in the collecting or charging of tolls on a previously municipal owned toll bridge pursuant to this article.

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATION OF TITLE, AND ANTITHEFT PROVISIONS.

ARTICLE 2A. UNIFORM MOTOR VEHICLE RECORDS DISCLOSURE ACT.

§17A-2A-9. Fees.

Any person making a request for disclosure of personal information required or permitted under sections five through eight of this article, both inclusive, shall pay to the division all reasonable fees related to providing the information: *Provided*, That all fees under this section shall be set by legislative rule pursuant to article three, chapter twenty-nine-a of this code: *Provided further*, That nothing herein shall prohibit the division from entering into a separate fee agreement with a private toll transportation facility to facilitate permitted disclosures pursuant to §17A-2A-7 of this code.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1. Jurisdiction of commission; waiver of jurisdiction.

(a) The jurisdiction of the commission shall extend to all public utilities in this state and shall include any utility engaged in any of the following public services:

Common carriage of passengers or goods, whether by air, railroad, street railroad, motor, or otherwise, by express or otherwise, by land, water, or air, whether wholly or partly by land, water, or air; transportation of oil, gas, or water by pipeline; transportation of coal and its derivatives and all mixtures and combinations thereof with other substances by pipeline; sleeping car or parlor car

services; transmission of messages by telephone, telegraph, or radio; generation and transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility; supplying water, gas, or electricity by municipalities or others; sewer systems servicing 25 or more persons or firms other than the owner of the sewer systems: *Provided*, That if a public utility other than a political subdivision intends to provide sewer service by an innovative, alternative method, as defined by the federal Environmental Protection Agency, the innovative, alternative method is a public utility function and subject to the jurisdiction of the Public Service Commission regardless of the number of customers served by the innovative, alternative method; any public service district created under the provisions of §16-13A-1 *et seq.* of this code, except that the Public Service Commission will have no jurisdiction over the provision of stormwater services by a public service district; toll bridges located more than five miles from a toll-free bridge which crosses the same body of water or obstacle, wharves, ferries; solid waste facilities; and any other public service: *Provided, however*, That natural gas producers who provide natural gas service to not more than 25 residential customers are exempt from the jurisdiction of the commission with regard to the provisions of the residential service: *Provided further*, That upon request of any of the customers of the natural gas producers, the commission may, upon good cause being shown, exercise such authority as the commission may deem appropriate over the operation, rates, and charges of the producer and for such length of time as the commission may consider to be proper.

(b) The jurisdiction of the commission over political subdivisions of this state providing separate or combined water and/or sewer services and having at least 4,500 customers and annual combined gross revenues of \$3 million or more that are political subdivisions of the state is limited to:

(1) General supervision of public utilities, as granted and described in §24-2-5 of this code;

(2) Regulation of measurements, practices, acts, or services, as granted and described in §24-2-7 of this code;

(3) Regulation of a system of accounts to be kept by a public utility that is a political subdivision of the state, as granted and described in §24-2-8 of this code;

(4) Submission of information to the commission regarding rates, tolls, charges, or practices, as granted and described in §24-2-9 of this code;

(5) Authority to subpoena witnesses, take testimony, and administer oaths to any witness in any proceeding before or conducted by the commission, as granted and described in §24-2-10 of this code; and

(6) Investigation and resolution of disputes between a political subdivision of the state providing wholesale water and/or wastewater treatment or other services, whether by contract or through a tariff, and its customer or customers, including, but not limited to, rates, fees, and charges, service areas and contested utility combinations: *Provided*, That any request for an investigation related to such a dispute that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission of the political subdivision and the commission shall resolve said dispute within 120 days of filing. The 120-day period for resolution of the dispute may be tolled by the commission until the necessary information showing the basis of the rates, fees, and charges or other information as the commission considers necessary is filed: *Provided, however*, That the disputed rates, fees, and charges so fixed by the political subdivision providing separate or combined water and/or sewer services shall remain in full force and effect until set aside, altered or, amended by the commission in an order to be followed in the future.

(7) Customers of water and sewer utilities operated by a political subdivision of the state may bring formal or informal complaints regarding the commission's exercise of the powers enumerated

in this section and the commission shall resolve these complaints: *Provided*, That any formal complaint filed under this section that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission complained of and the commission shall resolve the complaint within 180 days of filing. The 180-day period for resolution of the dispute may be tolled by the commission until the necessary information showing the basis of the matter complained of is filed by the political subdivision: *Provided, however*, That whenever the commission finds any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient or unjustly discriminatory, or otherwise in violation of any provisions of this chapter, or finds that any service is inadequate, or that any service which is demanded cannot be reasonably obtained, the commission shall determine and declare, and by order fix reasonable measurement, regulations, acts, practices or services, to be furnished, imposed, observed and followed in lieu of those found to be unjust, unreasonable, insufficient, or unjustly discriminatory, inadequate or otherwise in violation of this chapter, and shall make such other order respecting the same as shall be just and reasonable: *Provided further*, That if the matter complained of would affect rates, fees, and charges so fixed by the political subdivision providing separate or combined water and/or sewer services, the rates, fees, or charges shall remain in full force and effect until set aside, altered or amended by the commission in an order to be followed in the future.

(8) If a political subdivision has a deficiency in either its bond revenue or bond reserve accounts, or is otherwise in breach of a bond covenant, any bond holder may petition the Public Service Commission for such redress as will bring the accounts to current status or otherwise resolve the breached covenant, and the commission shall have jurisdiction to fully resolve the alleged deficiency or breach.

(c) The commission may, upon application, waive its jurisdiction and allow a utility operating in an adjoining state to provide service in West Virginia when:

(1) An area of West Virginia cannot be practicably and economically served by a utility licensed to operate within the State of West Virginia;

(2) The area can be provided with utility service by a utility which operates in a state adjoining West Virginia;

(3) The utility operating in the adjoining state is regulated by a regulatory agency or commission of the adjoining state; and

(4) The number of customers to be served is not substantial. The rates the out-of-state utility charges West Virginia customers shall be the same as the rate the utility is duly authorized to charge in the adjoining jurisdiction. The commission, in the case of any such utility, may revoke its waiver of jurisdiction for good cause.

(d) Any other provisions of this chapter to the contrary notwithstanding:

(1) An owner or operator of an electric generating facility located or to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which such facility the owner or operator holds a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, is subject to §24-2-11c(e) through §24-2-11c(j) of this code as if the certificate of public convenience and necessity for the facility were a siting certificate issued under §24-2-11c of this code and is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(2) Any person, corporation, or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has been designated as an exempt wholesale

generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which facility the owner or operator does not hold a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity pursuant to the provisions of §24-2-11 of this code. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission is subject to §24-2-11c(e) through §24-2-11c(j) of this code and is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(3) An owner or operator of an electric generating facility located in this state that had not been designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that generates electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both sales at retail and sales at wholesale and that had been constructed and had engaged in commercial operation on or before July 1, 2003, is not subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility, regardless of whether the facility subsequent to its construction has been or will be designated as an exempt wholesale generator under applicable federal law: *Provided*, That the owner or operator is subject to §24-2-1(d)(5) of this code if a material modification of the facility is made or constructed.

(4) Any person, corporation, or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has not been or will not be designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that will generate electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both sales at retail and sales at wholesale and that had not been constructed and had not been engaged in commercial operation on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity pursuant to the provisions of §24-2-11 of this code. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission is subject to §24-2-11c(e) through §24-2-11c(j) of this code and is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(5) An owner or operator of an electric generating facility described in this subsection shall, before making or constructing a material modification of the facility that is not within the terms of any certificate of public convenience and necessity or siting certificate previously issued for the facility or an earlier material modification thereof, obtain a siting certificate for the modification from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity for the modification pursuant to the provisions of §24-2-11 of this code and, except for the provisions of §24-2-11c of this code, is not otherwise subject to the jurisdiction of the commission or to the provisions of this chapter with respect to the modification.

(6) The commission shall consider an application for a certificate of public convenience and necessity filed pursuant to §24-2-11 of this code to construct an electric generating facility described in this subsection or to make or construct a material modification of the electric generating facility as an application for a siting certificate pursuant to §24-2-11c of this code if the application for the certificate of public convenience and necessity was filed with the commission prior to July 1, 2003, and if the commission has not issued a final order thereon as of that date.

(7) The limitations on the jurisdiction of the commission over, and on the applicability of the provisions of this chapter to, the owner or operator of an electric generating facility as imposed by

and described in this subsection do not affect or limit the commission's jurisdiction over contracts or arrangements between the owner or operator of the facility and any affiliated public utility subject to the provisions of this chapter.

(e) The commission does not have jurisdiction of Internet protocol-enabled service or voice-over Internet protocol-enabled service. As used in this subsection:

(1) 'Internet protocol-enabled service' means any service, capability, functionality, or application provided using Internet protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet protocol format, or any successor format, regardless of whether the communication is voice, data, or video.

(2) 'Voice-over Internet protocol service' means any service that:

(i) Enables real-time two-way voice communications that originate or terminate from the user's location using Internet protocol or a successor protocol; and

(ii) Uses a broadband connection from the user's location.

(3) The term 'voice-over Internet protocol service' includes any service that permits users to receive calls that originate on the public-switched telephone network and to terminate calls on the public-switched telephone network.

(f) Notwithstanding any other provisions of this article, the commission has jurisdiction to review or approve any transaction involving a telephone company otherwise subject to §24-2-12 and §24-2-12a of this code if all entities involved in the transaction are under common ownership.

(g) The Legislature finds that the rates, fees, charges, and ratemaking of municipal power systems are most fairly and effectively regulated by the local governing body. Therefore, notwithstanding any other provisions of this article, the commission has jurisdiction over the setting or adjustment of rates, fees, and charges of municipal power systems. Further, the jurisdiction of the Public Service Commission over municipal power systems is limited to that granted specifically in this code."

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2972, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

H. B. 2379, Make criminal invasion of privacy a felony,

H. B. 2493, Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers,

H. B. 2776, Creating the Air Ambulance Patient Protection Act,

And,

H. B. 2888, Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Bruce, Ellington and J. Kelly.

Miscellaneous Business

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2275: Delegate Mandt;

H. B. 2795: Delegate Ellington;

H. B. 2800: Delegate Rowan;

H. B. 2817: Delegate L. Pack;

H. B. 2854: Delegate Riley;

H. B. 3033: Delegate Young;

H. B. 3078: Delegate Zukoff;

H. B. 3094: Delegate Hanna;

H. B. 3103: Delegate Young;

And,

H. B. 3109: Delegate Young.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

H. B. 3017: Delegate Mandt.

At 1:33 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 15, 2021.

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470

SPECIAL CALENDAR

Monday, March 15, 2021

34th Day

11:00 A. M.

UNFINISHED BUSINESS

- S. C. R. 4 - Recognizing June 19 as Juneteenth Day
- H. C. R. 9 - Urging Congress to call a convention of states to limit terms of office of the US House of Representatives
- H. C. R. 35 - Requesting the Department of Health and Human Resources to continuously evaluate the child welfare system
- H. R. 14 - Resolution on West Virginia's Energy Future

THIRD READING

- Com. Sub. for H. B. 2688 - Allow county political parties to have building funds in a similar manner that state parties are allowed (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2705 - Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments (STEELE) (REGULAR)
- Com. Sub. for H. B. 2785 - Relating to public school enrollment for students from out of state (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2797 - Declaring certain claims to be moral obligations of the State (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2834 - Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission (STEELE) (REGULAR)

Com. Sub. for H. B. 2877 - Expand direct health care agreements beyond primary care to include more medical care services (J. PACK) (REGULAR)

Com. Sub. for H. B. 2891 - Creating minimum statutory standards for law-enforcement officers (CAPITO) (REGULAR)

H. B. 2969 - To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility (STEELE) (REGULAR)

Com. Sub. for H. B. 2972 - Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption (CAPITO) (REGULAR)

SECOND READING

H. B. 2379 - Make criminal invasion of privacy a felony (CAPITO) (REGULAR)

H. B. 2493 - Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers (HOUSEHOLDER) (REGULAR)

H. B. 2776 - Creating the Air Ambulance Patient Protection Act (CAPITO) (REGULAR) [JUDICIARY COMMITTEE AMENDMENT PENDING]

H. B. 2888 - Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction (CAPITO) (REGULAR)

FIRST READING

S. B. 404 - Modifying well work permits issued by DEP Office of Oil and Gas (ANDERSON) (REGULAR)

Com. Sub. for H. B. 2400 - Authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety rules (CAPITO) (EFFECTIVE FROM PASSAGE)

- Com. Sub. for H. B. 2634 - Coverage for the treatment of chronic pain (J. PACK) (REGULAR)
- Com. Sub. for H. B. 2794 - To extend the Neighborhood Investment Program Act to July 1, 2026 and to increase the allowable tax credit from \$3,000,000 to \$5,000,000 (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2817 - Donated Drug Repository Program (J. PACK) (REGULAR)
- H. B. 3078 - Relating to powers and duties of the parole board (CAPITO) (REGULAR)
- H. B. 3081 - Updating the West Virginia Business Corporations Act (WESTFALL) (EFFECTIVE FROM PASSAGE)
- H. B. 3128 - Relating to carrier fees on 911 fee revenues (CAPITO) (REGULAR)
- H. B. 3131 - Relating to correcting internal code references and citations (CAPITO) (REGULAR)
- H. B. 3133 - Relating to motor carrier rates (CAPITO) (REGULAR)

HOUSE CALENDAR

Monday, March 15, 2021

34th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2675 - Relating to costs and interest in eminent domain condemnation proceedings (CAPITO) (REGULAR)
- H. B. 2741 - Relating to expansion of the alcohol test and lock program to offenders with a drug related offense (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2770 - Including home confinement officers in definition of law-enforcement officers (CAPITO) (REGULAR) [RIGHT TO AMEND]

SECOND READING

- Com. Sub. for H. B. 2004 - Permit a licensed health care professional from another state to practice in this state through telehealth when registered with the appropriate West Virginia board (J. PACK) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2015 - Requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency (J. PACK) (EFFECTIVE FROM PASSAGE)
- H. B. 2536 - Relating to expressions of legislative intent regarding equivalent instruction time (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2628 - Relating to the removal of the prohibition on having ATMs in the area where racetrack video lottery machines are located (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2702 - To require all public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2792 - Relating to the expansion of direct access to natural gas service for new customers (ANDERSON) (REGULAR)

FIRST READING

- H. B. 2582 - Relating to creating a third set of conditions for the professional teaching certificate (ELLINGTON) (REGULAR)
- H. B. 2590 - Relating to the West Virginia Employment Law Worker Classification Act (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2620 - Relating to a departmental study of the child protective services and foster care workforce (J. PACK) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, MARCH 15, 2021

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON RULES
10:45 A.M. – ROOM 434 M**

**COMMITTEE ON GOVERNMENT ORGANIZATION
1:00 P.M. – ROOM 215 E**

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470